

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-CT-3170-BO

FILED

AUG 19 2011

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY BT DEP CLK

TERRY JOEL BURGESS,
Plaintiff,


v.

BRUCE KELLY HAMM, et al.,
Defendants.

ORDER

Terry Joel Burgess ("Burgess"), an inmate within the custody of North Carolina, filed this 42 U.S.C. § 1983 action. On February 4, 2011, the court entered an order which held that plaintiff had failed to allege a constitutional violation and his claim and complaint were dismissed as frivolous (D.E. #7). Thereafter, on March 25, 2011, plaintiff filed a motion to reconsider (D.E. # 9) and a Notice of Appeal (D.E. # 10). The Fourth Circuit entered order which dismissed the appeal (D.E. # 14) and denied the petition for rehearing and rehearing en banc (D.E. # 17). Having dismissed the appeal, the motion for reconsideration is DENIED as MOOT.

SO ORDERED, this the 19 day of August 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE